Image RCG/1616

MS RCE
PATENT
0425-0835P

OIPE JC177 DEC 22 2003 PATENT & TRADEMARK OFFICE

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	SUZUKI et al.	Conf.:	2822
Appl. No.:	09/842,770	Group:	1616
Filed:	April 27, 2001	Examiner:	S. CLARDY
For:	PLANT-ACTIVATING AGENT		

REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 22, 2003

12/23/2003 SZEWDIE1 00000092 09842770
01 FC:1801 770.00 OP
02 FC:1201 86.00 OP

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

☐ The enclosed document is being transmitted via facsimile.

☒ **Submission Required under 37 C.F.R. § 1.114:**

☐ Do **NOT** enter the After Final Amendment(s) previously filed on under 37 C.F.R. § 1.116.

Enter as part of the present submission:

☐ The After Final Amendment(s) previously filed on , under 37 C.F.R. § 1.116 but unentered, in the present application.

☐ Arguments in the Appeal Brief or Reply Brief previously filed on .

☒ A Reply Under Rule 1.111, attached hereto. Claim fee(s) are calculated as set forth below:

	TOTAL NUMBER OF CLAIMS **PREVIOUSLY** PAID FOR	TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH	**NUMBER EXTRA**	**Large Entity**		**Small Entity**	
				Rate	Fee	Rate	Fee
Total Claims	52	50 =	0	X 18	$	X 9	$
Independent Claims	3	4 =	1	X 86	$86	X 43	$
☐ **FIRST** PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				290	$	145	$
			TOTAL CLAIM FEE(S)			**$86.00**	

☐ An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.

☐ Other:

☐ **Miscellaneous**

☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ( ) months. (Period of suspension shall not exceed 3 months.)

☒ **Fees**

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

☐ $385.00 - small entity

☒ $770.00 - large entity

☐ The applicant(s) hereby petition(s) for an extension of ( ) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

☐ NO extensions of time have been previously obtained in the prior application. Thus, a fee of $0.00 is required for the full period of the above-requested extension of time.

☐ An extension of ( ) month(s) was previously requested and paid for on in the instant application. Thus, a fee of $0.00 is required to obtain an additional ( ) month(s) extension.

☐ The fee of $130.00 under 37 C.F.R. § 1.17(i) for suspension of action is enclosed.

☒ Enclosed is(are) check(s) in the total amount of $856.00 for the applicable filing fee, additional claims fee, suspension fee, and/or extension fees.

☐ Please charge Deposit Account No. 02-2448 in the amount of $0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By _____
John W. Bailey, #32,881

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JWB/enm
0425-0835P

Attachment(s)

(Rev. 09/30/03)